

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA OF
NORTHERN DIVISION

JAMIE ALLEN MACKEY, #200300,)	
)	
Petitioner,)	
v.)	CASE NO. 2:09-CV-550-ID
)	
BILLY MITCHEM, <i>et al.</i> ,)	(WO)
)	
Respondents.)	

ORDER

Jamie Allen Mackey ("Petitioner"), who was convicted of murder in the Circuit Court of Colbert County, Alabama, and is imprisoned at the Limestone Correctional Facility in Harvest, Alabama, filed a Petition for Writ of Habeas Corpus with this Court on June 11, 2009. (Doc. No. 1) The Magistrate Judge entered a Recommendation that the case be transferred to the Northern District of Alabama pursuant to 28 U.S.C. § 2241(d) on July 9, 2009.¹ (Doc. No. 3) Petitioner did not file objections to the Recommendation by the July 22, 2009 deadline. He did file, after the deadline, a Motion to Dismiss (Doc. No. 4), by which he sought to have this Court dismiss the case without prejudice. Upon an independent

¹28 U.S.C. § 2241(d) provides :

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

review of the file in this case and upon consideration of the Recommendation of the Magistrate Judge, it is hereby

ORDERED as follows:

1. The Recommendation of the Magistrate Judge is ADOPTED.
2. This case is TRANSFERRED to the United States District Court for the Northern District of Alabama pursuant to 28 U.S.C. § 2241(d).
3. All pending motions are DENIED. Plaintiff may re-file any such motions in the Northern District of Alabama after transfer, subject to the applicable authorities.

DONE this the 3rd day of August, 2009.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE